

U.S. Prosecution of Corporations

Voluntary Disclosures

- Sarbanes-Oxley
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- Principles of Federal Prosecution of Business Organizations
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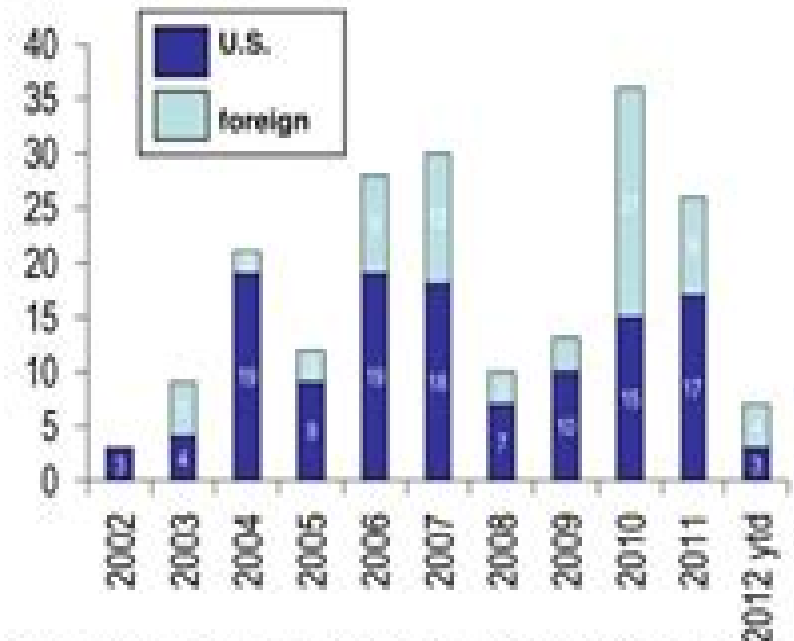
Collateral Investigations

- Antitrust
- EPA
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Mergers & Acquisitions

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Total Corporate Matters Initiated: 2002-2012 YTD



"The prosecution of corporate crime is a high priority for the Department of Justice. . . . Indicting corporations for wrongdoing enables the government to be a force for positive change of corporate culture, and a force to prevent, discover, and punish serious crimes."

Principles of Federal Prosecution of Business Organizations

Prosecution Of Corporations

David M. Uhlmann



Prosecution Of Corporations:

Prosecuting Corporations for Genocide Michael J. Kelly, 2016-02-17 Modern corporations are key participants in the new globalized economy. As such, they have been accorded tremendous latitude and granted extensive rights. However, accompanying obligations have not been similarly forthcoming. Chief among them is the obligation not to commit atrocities or human rights abuses in the pursuit of profit. Multinational corporations are increasingly complicit in genocides that occur in the developing world. While they benefit enormously from the crime, they are immune from prosecution at the international level. Prosecuting Corporations for Genocide proposes new legal pathways to ensure such companies are held criminally liable for their conduct by creating a framework for international criminal jurisdiction. If a state or a person commits genocide, they are punished, and international law demands such. Nevertheless, corporate actors have successfully avoided this through an array of legal arguments which Professor Kelly challenges. He demonstrates how international criminal jurisdiction should be extended over corporations for complicity in genocide and makes the case that it should be done promptly.

The Changing Role of Criminal Law in Controlling Corporate Behavior James M. Anderson, Ivan Waggoner, 2014-12-09 This report addresses the use of criminal sanctions to control corporate behavior, prosecutions both of corporations and of employees for actions taken on corporations' behalf. The authors describe the current state of the use of criminal sanctions in controlling corporate behavior, describe how the current regime developed, and offer suggestions about how the use of criminal sanctions to control corporate behavior might be improved.

Accountability, Transparency, and Uniformity in Corporate Deferred and Non-prosecution Agreements : Hearing Before the Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary, House of Representatives, One Hundred Eleventh Congress, First Session, June 25, 2009 United States. Congress. House. Committee on the Judiciary. Subcommittee on Commercial and Administrative Law, 2010

Too Big to Jail Brandon Garrett, 2014-11-03 American courts routinely hand down harsh sentences to individual convicts, but a very different standard of justice applies to corporations. *Too Big to Jail* takes readers into a complex, compromised world of backroom deals for an unprecedented look at what happens when criminal charges are brought against a major company in the United States. Federal prosecutors benefit from expansive statutes that allow an entire firm to be held liable for a crime by a single employee. But when prosecutors target the Goliaths of the corporate world, they find themselves at a huge disadvantage. The government that bailed out corporations considered too economically important to fail also negotiates settlements permitting giant firms to avoid the consequences of criminal convictions. Presenting detailed data from more than a decade of federal cases, Brandon Garrett reveals a pattern of negotiation and settlement in which prosecutors demand admissions of wrongdoing, impose penalties, and require structural reforms. However, those reforms are usually vaguely defined. Many companies pay no criminal fine, and even the biggest blockbuster payments are often greatly reduced. While companies must cooperate in the investigations, high-level employees

tend to get off scot free The practical reality is that when prosecutors face Hydra headed corporate defendants prepared to spend hundreds of millions on lawyers such agreements may be the only way to get any result at all Too Big to Jail describes concrete ways to improve corporate law enforcement by insisting on more stringent prosecution agreements ongoing judicial review and greater transparency Corporate Criminal Liability and Prevention Richard S. Gruner,2004 The book instructs corporate counsel on how to adopt forward looking compliance policies that can prevent criminal liability and how to mitigate the severity of penalties when they are unavoidable **White-Collar Crime: The Essentials** Brian K. Payne,2012-03-15 White Collar Crime The Essentials is a comprehensive yet compact text addresses the most important topics in white collar crime while allowing for more accessibility through cost Author Brian Payne provides a theoretical framework and context for students and explores such timely topics as crimes by workers sales oriented systems crimes in the health care system crimes by criminal justice professionals and politicians crimes in the educational system crimes in the economic and technological systems corporate crime environmental crime and others This is an easily supplemented resource for any course that covers white collar crime *Examining Approaches to Corporate Fraud Prosecutions and the Attorney-client Privilege Under the McNulty Memorandum* United States. Congress. Senate. Committee on the Judiciary,2008 *A Treatise on the Law of Corporations* Waterman,1888 *California. Court of Appeal (5th Appellate District). Records and Briefs* California (State)., **Deferred Prosecution** United States. Congress. House. Committee on the Judiciary. Subcommittee on Commercial and Administrative Law,2009 **The Pendulum Swings** David M. Uhlmann,2016 Corporate crime continues to occur at an alarming rate yet disagreement persists among scholars and practitioners about the role of corporate criminal prosecution Some argue that corporations should face criminal prosecution for their misconduct while others would reserve criminal prosecution for individual corporate officials Perhaps as a result of this conflict there has been a dramatic increase over the last decade in the use of deferred prosecution and non prosecution agreements for some corporate crimes even as the government continues to bring criminal charges for other corporate crimes To move beyond our erratic approach to corporate crime we need a better understanding of what is accomplished by the criminal prosecution of corporations a construct that considers retributive and utilitarian theories but also takes into account the expressive function of criminal law and the societal need for condemnation accountability and justice when crime occurs In this article I provide a justification for corporate criminal prosecution that identifies the moral content of corporate crime considers the deterrent value of corporate prosecution and explains why the expressive value of the criminal law is indispensable in the corporate context Corporate wrongdoing has pernicious effects on our communities the economy and the environment which warrant the condemnation the criminal law provides Criminal prosecution of corporations upholds the rule of law validates the choices of law abiding companies and promotes accountability Together those values contribute to our sense that justice has been done when crime occurs which enhances trust in the legal system provides the opportunity for societal catharsis and

allows us to move forward in the aftermath of criminal activity When corporations face no consequences for their criminal behavior we minimize their lawlessness and increase cynicism about the outsized influence of corporations *Reports of Cases Argued and Determined in the Supreme Court of the State of Montana from December Term 1868, to Montana.* Supreme Court,1914 Reports of Cases Argued and Determined in the Supreme Court of the State of Montana Montana. Supreme Court,1914 Court rules in v 37 44 53 59 64 73 80 87 90 Corporations, Accountability and International Criminal Law Kyriakakis, Joanna,2021-12-09 This timely book explores the prospect of prosecuting corporations or individuals within the business world for conduct amounting to international crime The major debates and ensuing challenges are examined arguing that corporate accountability under international criminal law is crucial in achieving the objectives of international criminal justice **The Annotated Corporation Laws of All the States, Generally Applicable to Stock Corporation ...** Robert Cushing Cumming, Frank Bixby Gilbert,1903 **White-Collar Crime** Brian K. Payne,2021-07-07 Updated with an exciting new chapter on political crime that highlights the debated connections between crime and politics the Third Edition of White Collar Crime A Systems Approach provides students with a comprehensive introduction to the most important topics within white collar crime Brian K Payne provides a theoretical framework and context for students to explore white collar crime as a crime problem a criminal justice problem and a social problem By introducing the topics within a systems focused framework Payne encourages students to examine the many types of white collar crime as well as the various systems for responding to white collar crime Included with this text The online resources for your text are available via the password protected Instructor Resource Site *Notes on the American Decisions [1760-1869]* Lawyers Co-operative Publishing Company,1910 *Revisiting the Question of Imputation in Corporate Criminal Law* Constantine N. Nana,2010-02-19 It is now trite knowledge that corporate criminal liability is laced with a large number of contradictions that seriously threaten its legitimacy This book demonstrates that these contradictions may be avoided if courts consistently refer to an adequate mechanism of imputation It proposes parameters for evaluating mechanisms of imputation and shows how an adequate mechanism may be determined This distinctive book provides students and practitioners with an exposition of the current substantive and procedural corporate criminal law and considers other ways of regulating the activities of corporations than using the criminal law It also addresses the distinction between internal knowledge and external knowledge with reference to pedigree and non pedigree rules and shows how the concept of discursive dilemma may be employed to aggregate the acts and intents of agents for the purposes of imputing these acts and intents to accused corporations and holding them liable This book is highly recommended for students of criminology law and business It should also be of interest to defence counsels prosecutors and regulatory agencies that either represent and advise corporate defendants or seek to hold corporations accountable for the breach of criminal law standards Draft Corporate Manslaughter Bill Great Britain: Parliament: House of Commons: Home Affairs Committee, Great Britain: Parliament. House of Commons Work and Pensions

Committee,2005-12-20 This joint report by the Home Affairs Committee and the Work and Pensions Committee examines the Government's proposals to reform the law on corporate manslaughter as set out in the draft Bill Cm 6497 ISBN 010164972X published in March 2005 for consultation The report supports the introduction of the draft Bill to address the need for a statutory offence to shift the basis of liability for corporate manslaughter away from the requirement of identifying a directing mind of a guilty company since this identification principle has made prosecutions of large companies almost impossible under the current common law Issues discussed include the application of the offence of corporate manslaughter in relation to corporations government departments and police forces issue of causation the law of negligence relevant duty of care and contractual relationships management failure the role of senior managers and gross breach the removal of Crown immunity territorial application of the offence corporate sanctions individual liability for directors powers of investigation and prosecution including the requirement to obtain the consent of the Director of Public Prosecutions before a private prosecution can be brought and cost issues **Report** Texas. Attorney-General's Office,1915

The book delves into Prosecution Of Corporations. Prosecution Of Corporations is a crucial topic that needs to be grasped by everyone, from students and scholars to the general public. The book will furnish comprehensive and in-depth insights into Prosecution Of Corporations, encompassing both the fundamentals and more intricate discussions.

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